

City Council Meeting Minutes

**July 19, 2016
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Muckle, City Council members: Jeff Lipton,
Ashley Stolzmann, Dennis Maloney, Chris Leh, and
Susan Loo***

City Council Absent: ***Jay Keany***

Staff Present: ***Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Kevin Watson, Finance Director
Robert Zuccaro, Planning & Building Safety Director
Lauren Trice, Planner I
Scott Robinson, Planner II
Joe Stevens, Parks & Recreation Director
Kathy Martin, Recreation Superintendent
Julie Seydel, Recreation Center Manager
Jesse DeGraw, Recreation Supervisor
Allan Gill, Projects Manager
Meredyth Muth, City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Stolzmann. All were in favor. Absent: Councilmember Keany

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

APPROVAL OF THE CONSENT AGENDA

Mayor Muckle called for changes to the consent agenda and hearing none, moved to approve the consent agenda, seconded by Councilmember Loo. All were in favor. Absent: Councilmember Keany

- A. *Approval of the Bills***
- B. *Approval of Minutes: July 5, 2016***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Leh relayed a story about a resident with problems concerning her lawn and how Police Chief Dave Hayes took it upon himself to mow and fix the lawn on his own time.

CITY MANAGER'S REPORT

City Manager Fleming reported on capital projects including County Road Bridge, the parking lot at Elm and Front Streets, street resurfacing, the Davidson Mesa Parking lot, and some touch up work on Via Appia. He added the downtown storm drainage project will be completed after the summer events are complete. The South Street Gateway is still waiting for additional work from Burlington Northern Railroad.

He thanked everyone who had been showing great support for the Police Department in these times and noted things in Louisville are different than other places and very positive.

He added the Building Safety Division is working on lowering wait times for their Tuesday over-the-counter permitting as the program is very popular.

REGULAR BUSINESS

LILLIAN CRAZE DAY PROCLAMATION

Lillian Craze's outstanding efforts as a volunteer coach have been greatly appreciated by both players and parents on her teams as well as by the Recreation Staff. As the team has said, "Lillian is an exceptional coach that goes above and beyond the call of duty as a volunteer coach and we would like to recognize her extraordinary efforts." Her players say, Lillian has provided guidance, not just in soccer but, in life, the community, and friendship with others.

We would like to proclaim July 19, 2016 Coach Lillian Craze Day and thank her again for all that she has done for her teams, the City of Louisville soccer program, and the community in which we live.

Chris Larson a team parent read a letter describing "the attributes every parent dreams of in their sons and daughters coaches...and to think that Lillian Craze volunteers her time and talents to the betterment of our youth is a testament to her character."

Mayor Muckle presented Ms. Craze with a plaque. Ms. Craze thanked the City Council, the Recreation Center staff, and her team for the recognition.

PRESENTATION OF RECREATION/SENIOR CENTER AND AQUATICS TASK FORCE RECOMMENDATIONS

Mayor Muckle reminded those in attendance that comments tonight are not to be advocacy for a ballot issue.

Mayor Pro Tem Lipton thanked members of the task force for their work over the past eight months and thanked staff for their support through the process. He also thanked the staff from Sink Combs Dethlefs (SCD) for their work. He noted the task force process included a great deal of public input and information from a variety of sources. He stated tonight the Task Force was recommending a new expanded Recreation and Senior Center that would meet needs for years to come. He stated he knows some residents are not happy about not including a new outdoor aquatics facility, but feels expanding existing pools will provide the most bang for the buck and are something the City can afford. He addressed the recent discussion to add more sustainable options to the building.

Chris Kastelic from SCD gave an overview of the process the task force went through and the input they took over the eight-month process. He noted there were multiple open houses and a survey that gave them input from almost 700 residents. He went through the improvements residents requested, what the task force is recommending to upgrade the Recreation /Senior Center building and the pool at Memory Square and he showed renderings of what it might look like.

Regarding sustainability, Mr. Kastelic noted these are big spaces and require a great deal of energy. That said, SCD has applied sustainable options to the plans for the building, including designing it to meet LEED gold level status. This includes high

energy performance, water conservation, resource conservation, zero VOC's in construction materials, and the ability to accommodate solar on the building. This extends to exterior design, landscaping, and multimodal access to the site and upgrades to the existing building.

The estimate for construction costs is \$28.6 million including \$300,000 for the issuance of bonds necessary to fund this capital project. The costs of adding a new outdoor aquatics center was estimated to be between \$15 million and \$18 million. This would be a large investment for a three-month facility. Given the costs of an outdoor pool the task force felt it was appropriate to move forward a recommendation without an outdoor pool but to include major upgrades to the pool at the Recreation Center and the pool at Memory Square. The additional funding needed for expanded operations and maintenance costs is projected to be \$575,000 annually to pay for the upgraded and enlarged facility.

COUNCIL QUESTIONS

Council member Maloney asked if the \$575,000 included a change in fees. Kastelic responded it did include about \$170,000 revenue from increased fees.

Council member Leh asked what the cost would be for an outdoor pool. Mr. Kastelic stated it could be as little as \$3.5 million for a small pool to \$18 million for a larger regional pool.

Mayor Pro Tem Lipton noted to meet the aquatics needs of the community you can't remove the indoor pool and replace it with an outdoor pool. The indoor pool is meeting the needs of the seniors and kids and others and is a year-around facility. You can't eliminate the indoor pool; the cost of an outdoor pool is in addition to the other indoor pool upgrades and the new design does give a hybrid indoor/outdoor pool with the new garage doors and outdoor deck. He stated his support for this recommendation as a very good compromise the community can embrace.

PUBLIC COMMENT

Debby Fahey, 1118 West Enclave Circle, requested the Council consider more sustainability options be added to the new building, including a solar array. She asked the additional gym in the recommendation be replaced with a solar array.

Angie Layton, 619 West Juniper Court, stated her appreciation for the expanded recreation center. She requested more sustainable options be added to the plan.

Mayor Pro Tem Lipton stated the City is interested in solar on the building, but the issue is how to finance it. He does not want to include it in the bond issue, but rather have it financed by a third party so it is more affordable and is not part of the debt for the construction of the building.

Mayor Muckle stated he would like an outdoor aquatic facility, but it should be a separate bond issue. It shouldn't be added to this project because of the large cost.

CALLING A SPECIAL ELECTION FOR NOVEMBER 8, 2016 AND SUBMITTING TO THE LOUISVILLE VOTERS TABOR BALLOT ISSUES

- 1. RESOLUTION NO. 34, SERIES 2016 – A RESOLUTION CALLING A SPECIAL ELECTION FOR NOVEMBER 8, 2016, TO BE CONDUCTED AS A COORDINATED ELECTION, FOR THE PURPOSE OF SUBMITTING TABOR BALLOT ISSUES TO THE REGISTERED ELECTORS OF THE CITY**
- 2. ORDINANCE NO. 1723, SERIES 2016 – AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY AT THE NOVEMBER 8, 2016 SPECIAL ELECTION A BALLOT ISSUE CONCERNING INCREASES IN CITY DEBT AND PROPERTY TAXES FOR THE PURPOSE OF CONSTRUCTING, EXPANDING AND RENOVATING THE LOUISVILLE RECREATION/SENIOR CENTER AND THE POOL FACILITIES AT MEMORY SQUARE PARK, AND AUTHORIZING OTHER ACTIONS REGARDING THE CONDUCT OF SUCH ELECTION – 1ST Reading – Set Public Hearing 08/02/2016**
- 3. ORDINANCE NO. 1724, SERIES 2016 – AN ORDINANCE IMPOSING AN ADDITIONAL 0.15 PERCENT SALES AND USE TAX BEGINNING JANUARY 1, 2018, TO BE USED FOR OPERATING AND MAINTAINING THE LOUISVILLE RECREATION/SENIOR CENTER, POOL FACILITIES AT MEMORY SQUARE PARK AND OTHER RECREATION FACILITIES, AND TO BE IMPOSED ONLY IF THE REGISTERED ELECTORS OF THE CITY APPROVE A BALLOT ISSUE FOR CONSTRUCTING, EXPANDING AND RENOVATING THE LOUISVILLE RECREATION/SENIOR CENTER AND THE POOL FACILITIES AT MEMORY SQUARE PARK; AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT A SPECIAL ELECTION TO BE HELD NOVEMBER 8, 2016 – 1ST Reading – Set Public Hearing 08/02/2016**

Mayor Muckle called for Resolution No. 34, Series 2016 calling a special election for November 8, 2016 to be conducted as a coordinated election, for the purpose of submitting TABOR ballot issues to the registered voters of Louisville concerning proposed City debt issuance and property and sales and use tax increases.

Deputy City Manager Balser stated this resolution and the two ordinances would submit to the voters of the Louisville debt questions to pay for the construction and operation and maintenance of an expanded Recreation Center and Memory Square Pool. She

noted the cost estimates listed in the bond may be high but this allows for unexpected costs and gives more flexibility when financing the debt. The second ordinance is to create a new sales tax to fund the increased operation and maintenance of the expanded facilities.

Council member Stolzmann proposed an amendment to Ordinance No. 1724 removing "and other recreation facilities" from the language.

Finance Director Watson stated it was included in the case that more revenue is collected than is needed for the Recreation Center it can be retained for other recreation facilities. City Attorney Light noted this is a back stop in case additional funds are generated and can be earmarked for additional recreation costs.

Council member Stolzmann stated her desire the language be removed so it is not open, but dedicated to the Recreation/Senior Center and Memory Square Pool.

Council member Maloney agreed with Council member Stolzmann regarding that language. He inquired if the interest rate was actually lower, would the principal borrowed be the same amount. Finance Director Watson responded yes. Council member Maloney asked how the renewal and replacement costs for operations and maintenance were identified. Parks and Recreation Director Stevens stated it is based on life cycle cost and replacement cost at the end of a period of time with some contingency added.

Mayor Pro Tem Lipton noted there is a link between the two ballot questions. Both need to be passed for the project to move forward. Deputy City Manager Balser stated there is an expectation the two questions are linked and the sales tax will be needed to pay for the additional costs of the expansion.

Mayor Muckle was satisfied with how the ballot questions are written; the building needs to be complete before the sales tax would be imposed.

MOTION: Mayor Muckle moved to approve Resolution No. 34, Series 2016, seconded by Council member Leh. Motion passed 6-0, Council member Keany absent.

City Attorney Light noted adopting Resolution No. 34, Series 2015 calls a Special Election because November 8, 2016 is not the City's regular election date and per the Charter, the Special Election must be called. The election will be held as a coordinated election with Boulder County.

City Attorney Light introduced Ordinance No. 1723, Series 2016. He noted the ballot language is a TABOR question requiring voter approval for multiple year debt with an estimate of the total costs. He added it includes both the property tax increase and a maximum cap on the mill levy which is set each year.

MOTION: Mayor Muckle moved to approve Ordinance No. 1723, Series 2016 on first reading, order it published and set the public hearing for August 2, 2016, seconded by Council member Loo. Motion passed 6-0, Keany absent.

City Attorney Light introduced Ordinance No. 1724, Series 2016 with the first reading amendment removing the language "other recreation facilities".

MOTION: Council member Stolzmann moved to approve Ordinance No. 1724, Series 2016 as amended on first reading, order it published and set the public hearing for August 2, 2016, seconded by Mayor Muckle. Motion passed 6-0, Keany absent.

BLUE PARROT SOUTHERN PARKING LOT PURCHASE

- 1. RESOLUTION NO. 33, SERIES 2016 – A RESOLUTION APPROVING A PURCHASE CONTRACT TO BUY AND SELL REAL ESTATE FOR THE CITY’S ACQUISITION OF PROPERTY LEGALLY DESCRIBED AS LOTS 9 AND 10, BLOCK 4, LOUISVILLE OLD TOWN**
- 2. ORDINANCE NO. 1722, SERIES 2016 – AN ORDINANCE AUTHORIZING THE PAYMENT OF CITY MONEYS FOR THE CITY’S ACQUISITION OF PROPERTY LEGALLY DESCRIBED AS LOTS 9 AND 10, BLOCK 4, LOUISVILLE OLD TOWN – 2ND READING – PUBLIC HEARING – ADVERTISED DAILY CAMERA 07/10/2016**

Mayor Muckle called for a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1722, Series 2016 and noted Resolution 33, Series 2015 was also on the agenda and the public could comment on either item.

Mayor Muckle opened the public hearing and called for a staff presentation.

City Manager Fleming reviewed the contract for the Blue Parrot Parking Lot to purchase the southern parking lot of the Blue Parrot Restaurant which is proposed to be used for public parking. The purchase price is \$700,000 and based on recent sales in downtown.

Mayor Muckle called for any public comments, and hearing none closed the public hearing.

Mayor Muckle stated the purchase of this south lot, which is contiguous to the City’s lot to the east, is to try to meet the increasing demand for more downtown parking.

MOTION: Mayor Muckle made a motion to approve Resolution No. 33, Series 2016 seconded by Council member Loo.

Roll Call Vote passed 6-0, Council member Keany absent.

MOTION: Mayor Pro Tem Lipton made a motion to approve Ordinance No. 1722, Series 2016 seconded by Council member Maloney. Roll Call Vote 6-0, Council member Keany absent.

RESOLUTION NO. 35, SERIES 2016 – A RESOLUTION MAKING FINDINGS AND RECOMMENDATIONS REGARDING THE HISTORIC PRESERVATION FUND GRANT APPLICATION FOR A HISTORIC INDUSTRIAL STRUCTURE LOCATED AT 540 COUNTY ROAD, KNOWN AS THE LOUISVILLE GRAIN ELEVATOR

Mayor Muckle called for a staff presentation.

Planner I Lauren Trice reviewed the request for a historic preservation fund grant for the Louisville Grain Elevator. This is for the adaptive reuse of industrial site and Louisville icon:

- City Council designated as a landmark with Resolution No. 30, Series 2015
- City Council approved final PUD in Resolution No. 29, Series 2015
- Historic Preservation Commission (HPC) approved alteration certificates for work on the structure
- Types of work outlined in the grant request are eligible for Historic Preservation Fund (HPF) funding

She noted this request does not meet the requirements outlined in Resolution No. 2, Series 2012 for requests beyond the maximum grant amount. There is a requirement for a 100% match from the applicant and to show extraordinary circumstances.

The applicant has split the request into two priorities. *Priority 1* includes \$233,209 for the protection of the structure. *Priority 2* includes \$258,031 for the rehabilitation of a variety of areas of the building. The total cost estimate and grant request for the work is \$491,250.

Planner Trice stated the \$500,000 grant for stabilization work in 2013 is still being disbursed. Staff finds the condition laid out in Res. No. 2, Series 2012 requiring a 100% match for any grant exceeding the maximum grant amount has not been met.

Planner Trice stated related to “Extraordinary Circumstances,” staff finds the grant request only shows “extraordinary circumstances” on the Priority 1 items.

The Historic Preservation Commission held public hearings on May 16 and on June 20. The Commission voted 5-1 to recommend the City Council deny the Historic Preservation Grant for the Grain Elevator. The Commission found the requested items met the standard of “extraordinary circumstances,” but the criterion for matching funds was not met.

Staff finds the proposal does not meet the requirements in Resolution No. 2, Series 2012 for the following reasons:

1. The applicant is only providing a 12% match where a 100% match is required.
2. Only the Priority 1 work items in the grant request show “extraordinary circumstances.”

APPLICANT PRESENTATION

Erik Hartronft, 950 Spruce Street, Louisville Mill Site, LLC, stated the funds are needed to go beyond stabilization and fully restore the structure. He noted once work began it became clear the original \$500,000 would not be enough to complete the work. He reviewed the work done so far. Issues that still need addressing include, a fire alarm system, replacing outdated electrical service, fire sprinklers, along with replacing lost historic features of the building. In its current state, the building is not leasable. The best way to save the structure is to fully restore and reuse it and the grant is critical to do that.

Council member Loo stated previously the HPC has found the extraordinary circumstances, but now they are worried about the rule. Planning and Building Safety Director Zuccaro stated his understanding the original grant was not reviewed by the HPC, but it came directly to City Council. Council member Loo noted there was at least a letter of support from the HPC to complete the original grant.

Jeff Meier, 470 County Road, voiced his support for the project but also noted his frustrations in the delays. He noted this is a centerpiece of this area of town. He would like to see the grant approved and tied to some timelines and to cleaning up the site.

Michael Menaker, 1827 West Choke Cherry Drive, stated the original historic structure assessment for this noted there was no way to know what this would cost until work began. He expressed his support for granting the loan to get the site redeveloped and saved. He noted there is money in the Historic Preservation Fund available for this. It is not acceptable to leave it as is. He urged Council to direct staff to find a legislative fix to this issue.

Linda Haley, 324 Tyler Avenue, is a member of the HPC, but spoke on her own behalf. She noted this is a historic building that people love, but added the HPF needs to stick to the rules and stay within the guidelines and regulations to be good stewards of the fund. She stated not having the match and knowing the fund will sunset in 2018 drove their decision.

Cindy Thomas, 1245 Grant Avenue, also a member of the HPC, noted there are likely other legislative ways to move this forward. She noted the applicant is receiving rent from the adjacent property (Tilt Pinball) which should be considered.

Council member Stolzmann stated there are a great many complications in this project and noted the site includes the rest of the property which is generating rent. She is concerned the matching funds are not included. She stated she doesn't see it qualifying for this source of funding at this time.

Council member Loo noted her appreciation for the applicant to do the project but has concerns with this funding. She noted to date, the City has already provided approximately \$1.5 million in funding and this grant would bring that to \$2 million. She stated the cost of the immediate need is about \$200,000 and that would still not make the site usable. She wondered if Council members were interested in funding the Priority 1 items.

Mayor Muckle stated he shared the concern of the fund's long-term viability, but the City needs to see it through to at least full complete restoration (Priority 1) and he would probably support Priority 2 as well. He noted the Council probably shouldn't do something against the resolution rules but might be able to invest in the building while we still own it.

Council member Maloney noted funding for the project is already higher than \$2 million when everything is included. He was surprised the protection items were not included as part of the stabilization. He stated it is very complicated to make the building usable, but higher matching funds really must be a part of the request.

Mayor Muckle asked if the Council would be willing to have staff bring back to the Council a suggested solution that would not be against the existing ordinance.

Council member Leh stated he agrees with the concerns of others. The grant program has rules and he doesn't feel comfortable going against that. The 12% match seems significantly low.

Mayor Muckle suggested the City could put money towards the building at this time while we still own it. Deputy City Manager Balser asked if he wanted to give HPF funds or general fund money. He stated HPF.

Mayor Pro Tem Lipton stated the HPC did exactly what they were supposed to do under their rules. He is concerned the \$1.5 million invested is already a huge amount. The City is taking all the financial risk without a high enough return. He stated he doesn't see an end to the requests for money for the project.

Council member Stolzmann asked when the City will actually close on the property so it is owned by the applicant.

City Manager Fleming stated there are a couple of outstanding items including the grading around the site before closing can happen. Erik Hartronft added there are a few

other items that need to be completed to satisfy the conditions in the original agreement before closing can occur but they are willing to work towards that.

Mr. Hartronft noted if the City Council is satisfied with just stabilization of the structure then that is fine, but it will cost more to get the building to a place to reuse it and make it functional.

Planning and Building Safety Director Zuccaro asked if the Council wants staff to work with the applicant under Resolution 2, Series 2012 rules. A loan from the HPF is an option to serve as the match or a part of the match which would let the City stay under the rules of the Resolution.

Mayor Muckle stated he is looking for a solution outside of that Resolution.

Randy Caranci, 441 Elk Trail, Lafayette, CO, stated the HPF has plenty of money in it to spend on this project. His opinion was the City waives fees and gives money to other developers and he is being treated differently.

Council member Loo asked what property the City is waiving all fees for. City Manager Fleming stated Mr. Caranci is likely referring to the Tebo property where the seller would not sell the property without the condition of the building fees being waived.

Michael Menaker stated this is not a business deal and will never make money. That is why there is the HPF. That money should be used for this project and allow it to finish. He agreed with the mayor; find a way to make this work.

Mayor Muckle asked if the Council had any objections to directing staff to find other options.

Mayor Pro Tem Lipton had no objection to exploring options but did want some understanding of what the City will have to finance in the future phases including any loans.

Council member Stolzmann would like to see what is brought back to stay within the guidelines of Resolution No. 2. If substantial changes are made it should go back to the HPC first. She added there are plenty of other projects on which to spend the money, the fund will not be endless.

Mayor Muckle noted the resolution is a resolution of denial.

MOTION: Mayor Muckle moved to approve Resolution No. 35, Series 2016, Council member Maloney seconded the motion. Motion passed 6-0, Council member Keany absent.

RESOLUTION NO. 36, SERIES 2016 – A RESOLUTION APPROVING A REPLAT TO SUBDIVIDE A 15,000 SQUARE FOOT LOT INTO TWO LOTS IN THE RESIDENTIAL LOW (RL) ZONE DISTRICT, LOCATED AT 105 ROOSEVELT AVENUE, LOTS 15-17 & 10 FEET VACATED ALLEY, BLOCK 4, JOHNSON’S FIRST ADDITION

Planner II Scott Robinson stated this is a request to replat for a minor subdivision of a 15,000 SF lot into two smaller lots. The property is located across from Community Park on Roosevelt Avenue in Old Town and is zoned Residential Low Density (RL). Originally it was platted with three 30’ X 150’ lots and 10’ of a vacated alley in the single 100’ X 150’ lot description. A 1,300 SF one-story single family home is currently located on the property with three small sheds. The existing one-story single family home would be located on Lot 1, while the proposed Lot 2 would be vacant.

The Board of Adjustment (BOA) unanimously approved the requested variances during a publically noticed hearing on December 16, 2015.

The applicant is requesting lot sizes of 8,625 SF for Lot 1 and 6,375 SF for Lot 2. This area is governed by the Old Town Overlay Zone District which would allow the existing 15,000 square foot property to have one primary unit and accessory structures totaling lot coverage of 4,500 SF, floor area of 5,250 SF. Per the applicant, by subdividing, it reduces the size of the structures that can built on the individual lots but increases the total amount of development that could occur; increases the number of primary structures that could be built, and allows more total square footage and lot coverage. 2,600 SF lot coverage and 3,000 SF floor area on one lot and 2,200 SF lot coverage and 2,700 SF of floor area are more in keeping with the size of structures in Old Town.

Staff believes a 5,250 SF structure is not in character with the surrounding neighborhood and that two smaller parcels, if approved, would create homes with sizes more compatible with the surrounding neighborhood. However, as one lot in the RL zone district, the property is only allowed one dwelling unit. Subdividing the property would allow each of the two lots to have a dwelling unit, resulting in a net increase of one dwelling unit and total lot coverage of up to 4,838 SF and total floor area of up to 5,718.

Based on the scale of development proposed, staff finds this minor subdivision request is consistent with the spirit and intent of the Comprehensive Plan and meets the Design and Construction Standards in Section 16.16.010.

This section of the code applies seven lot design and layout requirements. With modifications, staff believes the application meets each of the seven criteria established in Section 16.16.060, including the variances granted by the Board of Adjustment as criteria A. Lot 1 complies with the minimum width requirement, but does not meet the ratio requirement. Lot 2 does not comply with either requirement, but the chapter allows for modifications from those requirements if Council finds there is hardship and allowing it would be in the public good. Staff recommends the hardship is the lot; while large

enough to be subdivided, because of dimensions, could not be subdivided and meet the requirements. Public good is creating more compatible lot sizes and development within Old Town.

Staff recommends City Council approve the replat request for 105 Roosevelt Avenue by approving Resolution No. 36, Series 2016.

Applicants Creel and Pat Kerss, 105 Roosevelt Avenue, stated the reason they want to divide the lots as described is to save the existing ranch style house and keep in style with the neighborhood and build a ranch house on the new lot and keep the character of the small houses on that stretch of street. They felt this subdivision would be a good fit in the neighborhood.

Mayor Muckle noted this has not always worked out well in the past as lots have been subdivided and then still built large homes on the site. He asked if the current house could be landmarked to assure the house would stay smaller. Mr. Kerss stated he didn't know enough about that process to know if landmarking would be a good idea. He noted none of the other lot subdivisions that have been approved were asked to do this.

Council member Loo and Council member Leh noted they were uncomfortable with asking the applicant to landmark at this time.

Council member Stolzmann stated this request is consistent with the Comprehensive Plan but did not see that the unnecessary hardship criterion was being met.

The Kerss's stated their intent was to maintain the character of Old Town and they feel this will do that without a huge house being built on the existing lot.

Council member Maloney asked how staff found the unnecessary hardship. Planner Robinson stated that if divided it won't meet the width to depth ratio which creates the hardship.

Garrett Mundelein, 555 County Road, stated he supports the subdivision to maintain smaller houses on the two lots as everything around there is being replaced with larger homes.

Mr. Kerss noted his many letters of support for this subdivision to keep smaller houses on these lots.

Mayor Pro Tem Lipton stated there is a lack of legal tools to keep Old Town from being densified which is frustrating. He asked if the intention of this proposal is to maintain the small existing house. Planner Robinson responded that is the stated intention, but there is no guarantee on this.

Mayor Muckle stated he also felt there was no proven hardship.

MOTION: Council member Loo moved to approve Resolution No. 36, Series 2016, seconded by Council member Maloney.

Roll Call Vote. Council members voted 4-2 to deny the resolution. Council member Loo and Council member Maloney voted in favor. Council member Keany absent. City Attorney Light noted this vote will require the resolution to be continued to bring back a resolution of denial.

MOTION: Mayor Muckle moved a resolution of denial be brought back for consideration. Mayor Pro Tem Lipton seconded. Approved 6-0, Council member Keany absent.

**DISCUSSION/DIRECTION – REVIEW OF CLEAN ENERGY COLLECTIVE (CEC)
PURCHASE #1 PERFORMANCE AND CURRENT PURCHASE #2 OPTIONS
THROUGH CEC**

Mayor Muckle called for a presentation.

City Manager Fleming asked for direction on a possible second purchase into the Clean Energy Collective solar array.

Mike Malone from the Clean Energy Collective (CEC) outlined how the existing array is performing and what the financial options currently are including information related to the on-bill credit, the Renewable Energy Certificate payment, the inflation rates, and the return on investment estimates.

City Manager Fleming recommended the Council move forward with a combined lease/purchase option given the good rates, Return on Investment, and to support sustainability measures.

Mayor Muckle moved to direct staff to pursue a combined lease/purchase option and bring a specific proposal for purchase back to the Council for consideration at a later date. Council member Maloney seconded. Council voted in favor 6-0.

**ORDINANCE NO. 1725, SERIES 2016 – AN ORDINANCE APPROVING AN
AMENDMENT TO THE BUSINESS CENTER AT CTC GENERAL DEVELOPMENT
PLAN (GDP) TO REZONE LOT 1, BLOCK 3, BUSINESS CENTER AT CTC FROM
PCZD-C TO PCZD-I – 1st Reading – Set Public Hearing 08/02/2016**

Mayor Muckle requested a City Attorney introduction. City Attorney Light introduced Ordinance No. 1725, Series 2016.

MOTION: Mayor Muckle moved to approve Ordinance No. 1725 Series 2015 on first reading, ordered it published and set a public hearing for August 2, 2016, seconded by Mayor Pro Tem Lipton. All were in favor, Council member Keany absent.

CITY ATTORNEY'S REPORT

None.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF
FUTURE AGENDA ITEMS**

Council member Leh moved and Council member Loo seconded cancelling the July 26 study session. All in favor.

ADJOURN

MOTION: Muckle moved for adjournment, seconded by Stolzmann. All were in favor. The meeting was adjourned at 11:23 p.m.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk